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*Attorneys for Defendant Walmart Inc.*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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DALE BAKER, an individual,

Plaintiff,

vs.

WALMART INC., a foreign corporation; and  
DOES 1-5,

Defendants.

**NOTICE OF REMOVAL**

Case No.:

Honorable

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NOTICE IS HEREBY GIVEN that Walmart Inc., Defendant in the above-referenced action, by and through its Counsel of record, hereby removes this action from the Second Judicial District Court, Weber County, State of Utah, to the United States District Court, District of Utah, Northern Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully states as follows:

1. Plaintiff, Dale Baker, filed this civil action, case number 220903547, against Walmart Inc. in the Second Judicial District Court, Weber County, State of Utah, on or about August 9, 2022. (Complaint, attached as Exhibit "A").

2. Walmart Inc. was served on August 16, 2022. (Summons and Service of Process Transmittal, attached as Exhibit “B”).
3. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because Defendant has (1) satisfied the procedural requirements for removal, and (2) this Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332.
4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Counsel for Plaintiff, and a copy is also being filed with the Clerk of the Court for the Second Judicial District Court.
5. With respect to diversity, the citizenship of the Parties is diverse in this action and is set forth below.
6. According to the Complaint, Plaintiff is and was at all relevant times a resident of Weber County, State of Utah. (Complaint ¶ 1, Exhibit “A.”)
7. Defendant, Walmart Inc., is and was at the time of the commencement of this action a Delaware corporation with its principal place of business in Bentonville, Arkansas.
8. With respect to the amount in controversy, Plaintiff has alleged damages of more than \$300,000.00, and has designated this action as “Tier Three” for purposes of Discovery under Utah Rule of Civil Procedure 26. (*Id.* ¶ 6, Exhibit “A”).
9. Based on the foregoing, Plaintiff’s alleged injuries and damages are sufficient to support a claim in excess of \$75,000, and thereby satisfy the requisite amount in controversy for removal of this case.

10. Due to the complete diversity of the Parties to this action, and the amount in controversy in excess of \$75,000, this case meets the requirements for removal to Federal Court pursuant to 28 U.S.C. § 1332.
11. Venue is proper in the United States District Court, District of Utah, Northern Division, because the lawsuit was filed in Weber County, State of Utah.
12. Defendant's request for removal is properly being made within 30-days of receipt of the Summons and Complaint by Defendant.

WHEREFORE, Defendant, Walmart Inc., respectfully removes this action from the Second Judicial District Court, Utah County, State of Utah, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and respectfully requests that this Court assume complete jurisdiction over this action and exclude any further proceedings in State Court.

DATED this 30<sup>th</sup> day of August, 2022,

MORGAN, MINNOCK, RICE & MINER, L.C.

/s/ Mitchel T. Rice  
Mitchel T. Rice  
Andrea M. Keysar  
Marianne Schumann  
*Attorneys for Defendant Walmart Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of August, 2022, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL** to be electronically filed and served via electronic filing, and USPS first-class mail, postage pre-paid, to the following:

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/s/ Lynette Ambrose  
Lynette Ambrose